

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAGOBERTO PINEDA CASTRO,

Defendant.

CR 19–08–BU–DWM

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on April 11, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

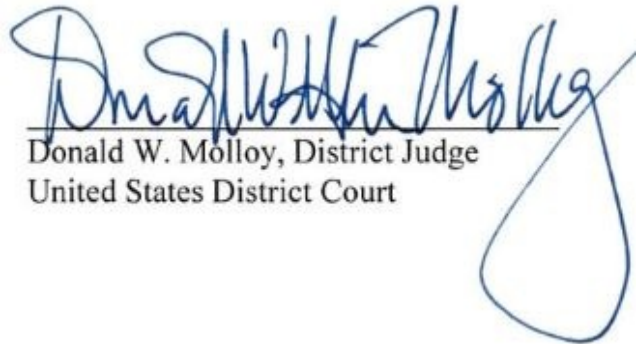
Judge Lynch recommended this Court accept Dagoberto Pineda Castro’s guilty plea after Pineda Castro appeared before him pursuant to Federal Rule of

Criminal Procedure 11, and entered his plea of guilty to one count of illegal reentry after deportation in violation of 8 U.S.C. § 1326(a) as set forth in the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 21), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing, when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Dagoberto Pineda Castro is adjudged guilty as charged in the Indictment.

DATED this 29th day of April, 2019.



Donald W. Molloy, District Judge
United States District Court